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E.O. 12958: DECL: AFTER KOREAN UNIFICATION  
TAGS: [PREL](#) [MARR](#) [KS](#) [KN](#)  
SUBJECT: ROKG INTERNAL WRANGLING OVER NLL, A NORTH-SOUTH  
SUMMIT ITEM?

Classified By: AA/DCM Joseph Y. Yun, Reasons 1.4 (b,d).

¶1. (C/NF) SUMMARY. How the October 2-4 North-South summit should deal with the Northern Limit Line (NLL) is a major preoccupation for the South Korean government and the press. The issue is significant because the North has steadfastly refused to discuss a laundry list of military-to-military issues with the South until the NLL is resolved. Minister of Unification (MOU) Lee Jae-Joung's August 10 comment that the ROK could "reconsider" the NLL drew harsh criticism from more conservative arms of the government, particularly the ROK military, which lost several service members who were defending the line in past skirmishes with North Korea (9 wounded in 1999 and 6 killed in 2002). National Intelligence Service (NIS) chief Kim Man-bok quickly rebutted Minister Lee by saying the NLL is a matter of ROK sovereignty. Defense Minister Kim Jang-soo meanwhile publicly urged that the issue be left out of the summit and that the DPRK side could raise it if it agreed to hold a meeting of the two defense ministers. Foreign Minister Song Min-soon dismissed the media speculation during his August 20 meeting with the Ambassador, indicating the NLL would not be discussed substantively at the summit. But exactly how President Roh will respond in the likely event of Kim Jong-il raising the issue is far less clear. END SUMMARY.

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NLL BACKGROUND  
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¶2. (C/NF) The July 1953 Armistice Agreement between the United Nations Command (UNC) and the North Korea People's Army (KPA) established the Military Demarcation Line (MDL) along the land border between the two Koreas. The Armistice did not similarly address the line at sea. In the East Sea, the NLL was established by extending the MDL out across the water north of the 38th parallel; this demarcation has not been contested by the North. In the West Sea, however, the NLL begins at the old Hwanghae-Kyonggi provincial border (commonly referred to as Line A-B) and most of the islands north and west of this line were ceded to the North, with the

exception being five northwest island groups that remained under UNC control. The North has never disputed UNC control of these islands but has argued for control of the waters surrounding these islands.

13. (C/NF) The NLL ostensibly served as a maritime control line, facilitated security of the 5 northwest island groups and provided a buffer between the opposing forces. Ironically, initially the NLL offered protection to the North because when the Armistice was signed the South held both banks of the Han River. Although the DPRK does not admit it, the North had tacitly recognized the NLL when it subsequently signed the 1992 Agreement on Reconciliation, Nonaggression, and Exchanges and Cooperation between South and North Korea (also known as the 1992 Basic Agreement), which specified that the two Koreas will respect "the areas that each side has exercised jurisdiction over until the present time." Despite this formal understanding, North Korea maintains that the UNC's unilateral establishment of the NLL was not in accordance with international maritime law. Currently, maritime traffic traversing over the NLL does not, in of itself, represent an armistice violation.

14. (C/NF) The NLL in the West Sea has been the source of controversy ever since, as each crabbing season fishermen vie for the best fishing grounds, frequently resulting in Northern fishing vessels and their accompanying DPRK patrol boats traversing the NLL. In 1999, North and South Korean naval forces clashed in the West Sea, resulting in the estimated loss of 30 North Korean sailors and one North Korean patrol boat. In 2002, North and South Korean navies fought again in this region, resulting in six ROK sailors killed. Since the 2002 incident, the North and South have held six rounds of General Officer (GO) talks to ease

tensions in the West Sea and pursue confidence building measures, but each round of talks has ground to a halt over the NLL impasse. Recognizing the sensitivity of the NLL, the two sides reached a 2004 agreement to establish a communications "hotline" for dealing with future NLL disputes, but that agreement was never implemented. The DPRK's demand to redraw the NLL to establish a common fishery area up to 10 kilometers south of the NLL without offering to share any fishing grounds to the north of it, has prevented any progress to resolve the issue.

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DEBATE OVER NLL FOR NORTH-SOUTH SUMMIT  
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15. (C/NF) Nevertheless, in the weeks since the North-South summit was announced, there has been intense speculation from the ROK media and debate within the ROKG about whether, and how, the NLL would be addressed in the upcoming summit. The fierce internal debate centers on the nature of the NLL, spurred by MOU Minister Lee Jae-joung's comments calling for &reconsideration8 of the NLL. At the National Assembly on August 10, Minister Lee said that the NLL was demarcated as a "security concept to prevent armed conflict," and "not as a territorial concept," a description that many perceived to imply that the ROKG would offer to renegotiate the NLL at the upcoming Summit. NIS Chief Kim Man-bok immediately countered, saying that the NLL was of course a "territorial concept" and a matter of ROK sovereignty. Defense Minister Kim reiterated the long-held MND position that the NLL should be discussed only at ministerial-level talks and called for the North to abide by the 1992 Basic Agreement.

16. (C/NF) The GNP's party spokeswoman said, "Concession to North Korea over the NLL is tantamount to an act of treachery," comparing it to giving up Dokdo island, the subject of a long-term territorial (and emotional) dispute with Japan. Since disagreement over the NLL issue erupted into the open, there has been some effort on the part of the ROKG to smooth over the signs of friction. This included Blue House Spokesman Chun Ho-Sun,s public statement that despite appearances to the contrary, the comments by Minister Lee and NIS Chief Kim somehow did not offer different

interpretations of the ROKG position on the NLL. ROKG officials from MOFAT, Blue House, and MND have, however, now begun to speak in common terms, emphasizing that "the NLL has served as an actual maritime borderline to prevent a North-South armed clash since the Korean War" and calling on the North to accept the current NLL and implement the 1992 Basic Agreement. However, MND officials continue to insist that the topic not be raised at the summit until there is sufficient consensus within the ROKG.

17. (C/NF) In an August 20 meeting with the Ambassador, Foreign Minister Song Min-soon dismissed media speculation that the NLL would be discussed substantively at the summit. He said that Minister Lee's statement that the ROK should reexamine the 2002 naval clash near the NLL to see if the South was at fault had no credibility. The ROKG had made clear many times to the DPRK that the NLL issue could be discussed only in connection with implementation of the 1992 Basic Agreement, Song said. For that reason, the ROKG would continue to push for Defense Minister talks about the Basic Agreement. As a final comment on the issue, Song said the issues of land and sea needed to be dealt with together.

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COMMENT  
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18. (C/NF) With the 2002 naval clash, during which six South Korean sailors died, still fresh in the minds of many military leaders, conservatives have been quick to paint Minister Lee's comments as an example of how the Roh Administration cannot be trusted on matters of national

security. It is thus unlikely the Roh administration will risk further damaging the presidential aspirations of progressive candidates by throwing more fuel on this fire. Our interlocutors from MOFAT and MND have also expressed their strong desire to keep the issue off the summit agenda. Still, it is doubtful whether this is more than wishful thinking, because Kim Jong-il will not want to pass up the opportunity to urge President Roh to somehow accommodate the DPRK request to redraw the line. This is most probably why MOU Minister Lee made his forthcoming public comments.

19. (C/NF) How President Roh responds to such a request from Kim Jong-il is largely unknown. If the previous North-South summit in 2000 is any guide, the two leaders will have several long sessions, almost all of it off the record. Each side will convey their priorities, which they will take back as homework, to be revealed slowly over time in various venues. Therefore, our best guess is that there will be a summit discussion on NLL, but that a public breakthrough is highly unlikely, as that simply will not be acceptable to the South Korean public. The best outcome for both sides is to put down a marker asking the defense minister to look into or even resolve the issue, which is similar to the current position of the ROK, but still meets the DPRK's objective of ultimately redrawing the line.

VERSHBOW